

**REMARKS**

**Pending Claims**

Claims 1-6, 8-25, 29, and 40 – 75 are pending in this application. Claims 1, 4, 11 and 13 have been amended. Claims 26-28, 30-39, and 41-43 have been canceled without prejudice or disclaimer. New claims 44 - 75 have been added. No new matter has been added.

**Claim Rejections under 35 U.S.C. §103**

Claims 1-6, 8-10, 12-33 and 35-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ueki, U.S. Patent No. 6,678,236 in view of Maeda et al., U.S. Patent No. 6,654,547. Claims 11 and 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ueki '236 in view of Maeda et al '547 and further in view of Nishio, U.S. Patent No. 5,887,192. Reconsideration of the rejections is respectfully requested in view of the foregoing amendments and the following remarks.

Applicants have amended independent claims 1, 11 and 13. Claims 1 and 11, which are directed to the recording method of the invention have been amended to include that the recording limited area is an area in which data has been recorded. Claim 13 has been amended to set forth that the recording-limited area includes a recording limit and is recognized as an area in which recording of information cannot be performed as a result of managing an address of the recording-limited area in a defect management table. Additionally, according to claims 1 and 13, the recording limit is canceled and information is recorded in the recording-limited area after the canceling of the recording limit. In claim 11, the information about the

recording-limited area is claimed to be in encrypted form. After decrypting the information about the recording-limited area by predetermined software, data is recorded on the recording medium, including the recording-limited area.

According to the invention, the recording limit is claimed to be cancelled after the target information or prerecorded information has been read or played back (claims 15 and 16). Also, the recording limit is claimed to be cancelled following an occurrence of a specified event, such as display of the pre-recorded information. See claims 18 and 19; 21 and 22; and 24 and 25, respectively, for example.

In a preferred embodiment of the invention, the target information is an advertisement, as set forth in claims 5 and 16, for example.

In a practical embodiment of the invention, the recording limit in the recording medium is configured so that the recording limited area is recognized as defective, and the recording limit is canceled by causing the portion to be no longer recognized as defective (claims 17, 20, 2 and 40). Further, according to an embodiment of the invention, the recording limit can be canceled after the issuance of an instruction for viewing and/or hearing the target information, thereby enabling recording after the recording limit is canceled.

Ueki protects a DVD-Video from illegal copying by storing main information and copyright information corresponding to the main information. The copyright information is designed to prevent the contents of the main information from being illegally copied. The copyright information is recorded on a given area of the disc, that is, an area of the disc which is assigned to information related to copyright protection such as information of a CSS key (a

contents scramble system). When there is incompatibility between the CSS key that is read out and the correct CSS key, then the reproduction by the DVD-Video player is suspended. When the information of the CSS key is correct, the player is permitted to reproduce the contents or main information from the disc. *See*, col. 1, lines 31-38 of Ueki.

Ueki is replied upon in the Office Action for disclosing a lead in area (LI) formed by a pre-pit area PR that is asserted to be equivalent to the recording-limited area set forth in the claimed invention. The rejection is further based on the interpretation that the information recorded as the lead-in information (pre-pits) could be any type of information, such as the target information of the invention. The lead-in area (LI) of Ueki is composed of lead-in areas LI1 and LI2. Copyright protection information, such as the information of a CSS key, is recorded in the second lead-in area LI2.

Ueki discloses that "the copyright-protection-related information cannot be altered by an error correction process." See col. 9, lines 44-53 of Ueki. The second lead-in area LI2 is represented by pits (pre-pits) in the disc (col. 10, lines 2-6 of the reference), and the pre-pits represent the copyright-protection-related information (col. 10, lines 21-23 of Ueki). Thus, the copyright-protection-related information of Ueki is different from the target information of the present invention. If the copyright-protection-related information is rewritten or altered, then the playback apparatus will suspend or halt the playback of the contents recorded on the disc. Thus, Ueki teaches that the copyright-protection-related information is read and used in performing a function required to be performed in order to achieve playback of the contents of the disc. On the other hand, the target information or the data that has been recorded in the

recording limited area is an advertisement, for example, or other data to be displayed or communicated to a user, and is not used as copyright-protection-related information, as in Ueki.

If it is assumed that the pre-pit area in Ueki, which has the copyright-protection-related information, is comparable to the recording limited area of the present invention, then it is seen that there are differences. Mainly, the pre-pit area of Ueki cannot be recorded over and therefore there is no cancellation of limit or prohibition placed on recording over the pre-pit area. The Office Action cites Ueki for disclosing a recording operation (Fig. 15) that suspends recording at the timing corresponding to the starting edge of the pre-pit area PR by changing the operation of the apparatus from the recording mode to the playback mode. According to the reference, the recording continues to be suspended until the timing corresponding to the ending edge of the pre-pit area PR and given by the LPP-based recording timing signal. *See*, col. 26, 51-58 of Ueki.

However, the recording operation of Ueki, which includes switching to playback when the pre-pit area PR is encountered, and then resuming recording after the pre-pit area PR has been passed, is not equivalent to the claimed canceling of the recording limit for a recording-limited area, as in the present invention. That is, in the invention, the cancelling of the recording limit results in allowing recording of information in the recording limited area. This is not permitted by Ueki. The recording limit of the pre-pit area in Ueki is unchanged by the recording process, as described with respect to Fig. 15 in Ueki. The switching to the playback mode in the pre-pit area is merely designed to prevent the data in the pre-pit area from

being overwritten. *See*, col. 26, lines 57-63 of Ueki. When the recording limit of a recording limited area is cancelled according to the claimed invention, however, information is recorded in the recording limited area.

In the description of Fig. 14, Ueki states that "[t]he step S19 may stop the reproduction of the contents information when the reproduced lead-in information and the apparatus are in a predetermined unacceptable relation." See col. 26, lines 12- 15; and col. 27, lines 14-17.

Accordingly, there is no disclosure or suggestion by Ueki to record information in the pre-pit area PR (recording-limited area) even if the recording limit of the pre-pit area PR were to be canceled. That is, Ueki does not disclose or suggest a recording-limited area in which recording of information in the recording-limited area is performed after the canceling of the recording limit, as claimed in the independent claims. Rather, canceling the recording limit and then recording information in the lead-in area or pre-pit area PR of Ueki, which is asserted in the Office Action to be equivalent to the recording-limited area of the present invention, would cause reproduction of the contents of the disc to be stopped since it would be determined that an illegal copying has occurred.

According to the recording medium embodiment of the invention, the recording medium is rewritable, which allows for erasure and re-recording of user data in the user data area where the target information, such as an ad, is recorded. Additionally, there is provided a function which makes erasure or re-recording impossible in the recording limited area as a result of managing an address of the recording-limited area in a defect management table until the target information, such as an ad is displayed. Thus, the present invention provides a

recording-limited area in which recording is limited so that a manufacturer or user can record desired information and expect that the desired information will be displayed to the user. Further, the recording limit can be canceled, preferably after the reading or playing back of the desired information. See Fig. 11, page 17, lines 8-20 and page 6, lines 22-31 of the specification, for example. These achievements are not attainable by Ueki or suggested by Ueki to one having ordinary skill in the art.

Maeda is relied upon for disclosing a method/system that teaches the display of an advertisement, such as a commercial message (CM). However, Maeda does not disclose or suggest a recording-limited area in which data has been recorded and in which recording of information in the recording-limited area is performed after the canceling of the recording limit, as claimed in independent claims 1 and 13. Nishio is relied upon for disclosing the combination of movie data and advertisement data; however the reference also does not make up for the deficiencies in Ueki. Accordingly, the combination of Ueki and Maeda or Nishio does not render the invention unpatentable under 35 U.S.C. §103, and therefore the rejections should be withdrawn.

### **New Claim**

New claims 44 – 61 have been added to set forth a recording method on a recording medium including a user area in which information is written or read, and an administrative area, in which the user area includes a specific area in which a write operation is logically prohibited. The method includes recording address information of the specific area to said

administrative area, and after occurrence of an event, the address information of the specific area is deleted from the administrative area. With the address information deleted from the administrative area, a write operation is executed in the specific area described by the recorded address information. Claims 45-61 are dependent claims that find support by being similar to claims 2-6, 8-12, 17-22, 26, 29 and 40.

New claims 62-68 have been added that set forth a recording medium of the present invention in which a user area in which a write operation and a read operation are physically enabled, the recording medium has an administrative area and the user area includes a specific area in which a write operation is logically prohibited. According to claim 62, the address information of the specific area is recorded in the administrative area as a defect area, and the write operation is logically enabled by deleting the address information of the specific area from the administrative area. Claims 63-68 are dependent claims that find support by being similar to claims 14-16 and 23-25.

New claims 69-75 have been added to set forth a prerecording and playback apparatus of the invention that includes a microprocessor (Figs. 2 and 3) that controls read and write operations with respect to a recording medium having a user area in which a write operation and a read operation are physically enabled. The recording medium is claimed as having an administrative area, and the user area is set forth as having a specific area in which a write operation directed by the microprocessor is logically prohibited. According to the apparatus of claims 69-75, the address information of the specific area is recorded in the administrative area as a defect area, and the write operation is logically enabled by deleting the address information

of the specific area from the administrative area. Claims 70-74, which pertain to the recording medium for the apparatus, are similar to claims 63-68.

Claims 62-75 are patentable over Ueki and Maeda, whether considered individually or in combination, and whether or not further considered in view of Nishio and the remainder of the art of record, for the foregoing reasons.

### **Conclusion**

In view of the foregoing, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

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Respectfully submitted,

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